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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,635	08/01/2003	Jordi Moncada-Elias	FOUND-0070	2769

7590 09/19/2007  
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EXAMINER
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PHAM, BRENDA H

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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09/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/632,635	MONCADA-ELIAS ET AL.	
	Examiner	Art Unit	
	Brenda Pham	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/19/05;08/01/03</u>   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1-15 are pending in the application.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 13 recites the limitation "wherein one of the bridges". There is insufficient antecedent basis for this limitation in the claim.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12, it is not clear what claim does claim 12 is depending upon.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by **Oguchi (US 2003/0142680 A1)**.

Regarding claims 1, 13, 15, **Oguchi** discloses method for enabling a first network to control a loop avoidance protocol in a second network, the first network running a first loop avoidance protocol instance, the second network not running the first loop avoidance protocol instance, the first and second network being communicably coupled, the method comprising:

receiving a protocol packet (BPDU) from the second network (External Network 55) at a first switch (Backbone network), **"When a frame forwarding device receives an STP BPDU from a user network, its local system state updating unit 50c updates its local copy of system state information with the received STP BPDU, besides changing the state of a logical bridge port" [0065]**, forwarding the protocol packet to a second switch in the first network;

processing the protocol packet at the second switch according to a loop avoidance protocol corresponding to the second network; and

transmitting a message controlling the port state of a third switch based on the processing **(see steps S85, S87, S88, S80 of FIG. 21)**.

Regarding claims 8, 10, **Oguchi** discloses a system comprising (referring to FIG. 1):

a first network (backbone network) running a first loop avoidance protocol instance (spanning tree algorithm);

a first switch (50) in the first network (Backbone network);

a second network (external network 55) not running the first loop avoidance protocol instance; wherein the first network (backbone network) is communicably coupled to the second network (external network);

the first network (backbone network) forwards the protocol packet (BPDU) to the first switch (50);

the first switch (50) processes the protocol packet according to a loop avoidance protocol (STP BPDU) corresponding to the second network (external network);

the first switch transmits a message controlling the port state of a second switch in response to the processing (see FIG. 13).

Regarding claim 2, **Oguchi** teaches wherein the forwarding includes modifying the protocol packet so that the protocol packet is able to be tunneled through the first network **[0215] “The frame forwarding device 81 encapsulates the outgoing BPDU”**.

Regarding claim 3, **Oguchi** teaches wherein the controlling includes modifying a port state of the third switch (S87 of figure 21).

Regarding claim 4 **Oguchi** teaches wherein the third switch is not the same as the first switch (figure 1 shows switch 50 (first switch) is not the same as the third switch (any of the switches 51, 52 and 53).

Regarding claim 5, **Oguchi** further teaches wherein the third switch (any of the switches 51-53) is the first switch (50) because the switches (51-53) have same elements and functions as switch 50.

Regarding claims 6 and 9, **Oguchi** teaches wherein the first (backbone network) and second networks (external network) are connected by the shared use of the first switch (bridge 50).

Regarding claims 7 and 11, **Oguchi** teaches wherein the protocol packet is a BPDU (figure 13).

Regarding claim 12, **Oguchi** teaches a first network running a loop avoidance protocol wherein the root bridge for the first network is disposed in a second network running a distinct loop avoidance protocol instance (see 50c of FIG. 1).

Regarding claim 14, **Oguchi** teaches wherein the state of the second network port is controlled based on a protocol packet received from the second network (see FIG. 13).

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**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild, can be reached on (571) 272-2092.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

August 6, 2007

Brenda Pham



**BRENDA PHAM  
PRIMARY EXAMINER**